

BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Vincent Pusateri, II, Chairman

Daniel Sarefield

Linda M. Swears

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on July 6, 2015 in the Fitchburg Municipal Offices conference room, 166 Boulder Drive, Fitchburg, and called to order by Commissioner Vincent Pusateri at 6:00PM. Commissioner Sarefield was present. FPD Sergeant Matthew Lemay was present.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the meeting held on June 15, 2015 were reviewed, approved and signed.

II. NEW APPLICATIONS

Knights of Columbus, 165 Electric Ave., for 1 – Juke Box (A-Z Vending)

Mr. Laurie Rahnasto was present.

Approved 2/0

Great Wolf Lodge of New England, 150 Great Wolf Drive for 15 additional Video games (Already licensed for 65 games)

Mr. Paul Fountain and Mr. Alex Matthews were present.

Application was amended to request 20 additional Video games (for a total of 85 games).

Application as amended was approved with the condition that Great Wolf submit a revised game layout plan that is satisfactory to the Commission 2/0

Holy Trinity Greek Orthodox Church, 1319 Main Street, for Special One Day All Alcoholic Beverages license for Greek Festival on Friday September 18, 2015 from 6PM to 10PM and Saturday September 19, 2015 from 11AM to 11PM for 500 people.

Ms. Joanne Donnelly was present.

Application approved 2/0

III. SUMMONS HEARING

Moriah Kelly-Hildreth, Backstreets Pub – 14 Mill Street for:

FPD Report #15-19632;

- 1. Allegation that Manager of Record is not running the day to day operation of the establishment;**
- 2. Allegation that individual who is running the day to day operation may be unfit to do so;**
- 3. Allegation that outdoor seating area is not being consistently roped off as required in the description of premises on the license to sell alcohol;**
- 4. Allegation that establishment is allowing Dart games despite the fact that the License Commission failed to approve an application for a Dart board after finding that the establishment is too small and does not have a layout conducive to patron safety during dart games.**

Mr. Michael Kelly and Mr. Edward Kelly were present. Sergeant Lemay reiterated the details of his police report. Michael Kelly stated that he is on premise approximately twenty hours per week and that his brother Tom Kelly works there approximately thirty-two hours per week but is not the manager. Edward Kelly stated that he is there the least of all, about three to ten hours per week, because he has a full time job.

Michael Kelly stated that the Manager of Record, Moriah Kelly-Hildreth (Edward's daughter) announced about four months ago that she is pregnant and will need to step down from her position as Manager. He introduced Shayla (last name unknown) who was seated in the audience as the person who will

soon be named Manager of Record. She is currently working as a bartender. He stated that a change of manager application will be submitted tomorrow or the day after.

Discussion ensued with the Board expressing concern that even if Shayla is named as the Manager of Record, Mr. Tom Kelly will still be the effective Manager and making decisions. The Board expressed that they are concerned with Mr. Tom Kelly effectively managing the bar because of his past drug convictions. Mr. Michael Kelly stated that his brother Tom Kelly made some mistakes years ago and has paid dearly for them. He stated that drugs will not be sold from the bar. Michael Kelly and Edward Kelly stated that Shayla will be making the management decisions. Shayla stood from the audience and confirmed that she will in fact be making the management decisions for Backstreets Pub.

Mr. Thomas Starr - Fitchburg resident, speaking from the audience, stated that he takes exception to statements made by Sgt. Lemay and that the Board should give the Kelly brothers a chance to move forward with their business.

Regarding the outdoor area not being roped off as required, Michael Kelly stated that Shayla made a mistake. It started out as a rainy day and they had not intended on opening the outdoor patio so he did not rope it off. Later on, the sun came out and patrons sat outside. They acknowledge the mistake and state Shayla is now aware that the outdoor area must be roped off whenever it is being used.

Regarding the dart board, Michael Kelly stated that the Board had told him they would be visiting the bar to look at the proposed dart area. He said he put tape on the floor and a backboard on the wall to show them where he intended to have the board. He said there is no dart board being used at the bar.

DECISION by vote of 2/0:

Re: Allegation #1 – The Board made a FINDING that the Manager of Record is not running the day to day operations. Therefore, two conditions were placed on the license:

- 1: Backstreets Pub will submit an application for Change of Manager and;
- 2: The Manager of Record will work forty hours per week during the busy operating hours.

When the Change of Manager application is brought before the Board they will want to know the details of Mr. Thomas Kelly's involvement with the establishment.

Re: Allegation #2 – No Action

Re: Allegation #3 – No violation

Re: Allegation #4 – No violation

IV. MISCELLANEOUS

1. **Response from ABCC regarding transfer request from Linda Meehan d/b/a Iron Horse Lounge – application has been returned because DOR Certificate of Good Standing has not been submitted.** Ms. Linda Meehan was present. Chairman Pusateri explained that she remains the Manager of Record for the establishment and must function as such, working on premise for a majority of the hours that the establishment is open and during busy operating times. Ms. Meehan agreed to same.

2. **Communication from MA State Lottery Commission regarding Keno to Go at JV's Package Store (note that letter gives an address of 128 Fairmount Street however, the license has been moved to 226 Westminster Street – unclear why the discrepancy).**
No action.

3. **Taxi/Livery Driver Applications:**

Donald Sparks, II

The Board entered in to Executive Session by unanimous vote to discuss the CORI of Mr. Sparks with the announced intention to resume in open session.

Application granted for two years 2/0. Noted for the record: Mr. Sparks invited the Commissioners to the Thanksgiving Day dinner he prepares at 50 Day Street.

4. **Solicitor Applications:**

Valon Ayers – Vivint Solar

Approved 2/0. Applicant was reminded that he must wear his license, clothing with company logo and inform the police department of the location of his solicitation activity on any given day.

5. **Continued discussion: new license format from State pertaining to Public Entertainment on Sunday. Discussion regarding License Commission involvement for establishments that hold an annual or special one-day license to sell/serve alcohol.**

Continued until such time that a full Board is present 2/0

6. **Establish new local regulations for Manager of Record of license liquor establishment.**

The Board suggested language for the new regulation and instructed the Clerk to draft the language. The new regulation will be placed on the next agenda for further discussion and vote.

The Board instructed the Clerk to add to the information collected at license renewal time the following: Hours of operation and the number of hours that the Manager of Record is working on premise.

7. **Received – FPD Report #15-24115**

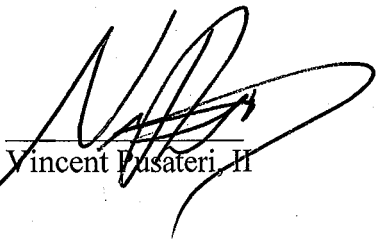
No action.

The meeting adjourned at 7:45 PM

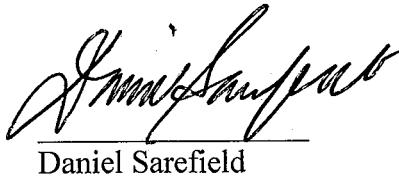
Respectfully submitted,

Anna M. Farrell
City Clerk


Approved:



Vincent Fusateri, II



Daniel Sarefield



Absent
Linda M. Swears